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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/520,890	03/07/2000	Erich Guenther	Q55501	9865

7590 05/20/2004

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EXAMINER

TRAN, MYLINH T

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/520,890

Applicant(s)

GUENTHER, ERICH

Examiner

Mylinh T Tran

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed 02/26/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Applicant's Amendment and Declaration under 37 C.F.R. § 1.131 filed 02/26/04 has been entered and carefully considered. Claims 13-37 have been amended. However, limitations of amended claims have not been found to be patentable over newly discovered prior arts, therefore, claims 1-37 are rejected under the new ground of rejection as set forth below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 13, 15-16, 19-20, 22, 25-26 and 28 are rejected under 35

U.S.C. 102(e) as being anticipated by Cote [US. 6,731,302].

As to claims 13, 22 and 28, Cote et al. teaches retrieving images composed of at least one base image and secondary element from storage (column 7, lines 5-40, the first and secondary image are merging) and merging the retrieved base image with the retrieved secondary image to form a page

window (column 9, lines 38-66) and displaying the page window on a computer display screen (column 3, lines 1-20).

As to claim 14, Cote also teaches loading the retrieved base image into a display memory (column 2, lines 35-50).

As to claim 15, Cote demonstrates determining which secondary image to retrieve from a plurality of secondary images (column 3, lines 3-16).

As to claim 16, Cote also demonstrates storing the retrieved secondary image in display storage (column 2, lines 35-50).

As to claims 19 and 25, Cote shows modifying the retrieved base image by adding the secondary image elements of the retrieved secondary image to the base image elements of the retrieved base image (column 11, lines 40-55).

As to claims 20 and 26, Cote et al. also shows modifying the retrieved base image by blanking out selected base image elements of the retrieved base image according to the secondary image elements of the retrieved secondary image (column 3, lines 3-50).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12, 14, 17-18, 21, 23-24, 27 and 29-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyagaki et al. [US. 4,942,515] in view of Cote et al.[US. 6,731,302].

As to claims 1 and 8-9, Miyagaki et al. discloses an image (column 7, line 63 through column 8, line 12) including at least a control element (column 3, lines 45-54), a static element (column 4, lines 62-68) and a status element (column 4, line 18-25) for display on the page screen. The difference between Miyagaki et al. and the claim is multiple images with first (base) and secondary images. Cote et al. shows the feature at column 3, lines 30-55 by creating a facial images. The first and second images could be an eye and a nose image. It would have been obvious to one of ordinary skill in the art, having the teachings of Miyagaki et al. and Cote et al. before them at the time the invention was made to modify the image elements like control, status and static as taught by Miyagaki et al. to include the method of teaching multiple images by combine them together of Cote et al., with the motivation being to allow a user to conveniently manage element function on different image as taught by Cote et al.

As to claim 4 and 7, the claim is analyzed as previously discussed with respect to claim 1 except for the feature of a plurality of secondary images, each secondary image including at least one secondary image element (an eye image is derived from a plurality of other images on the face such as nose, cheek, chin..); wherein each of the plurality of page windows presented

by the computer controlled process is formed by a merger of at least one of the plurality of secondary images with the base image (column 7, lines 5-40).

As to claims 2, 6, 12, 21, 27, 32 and 36, Cote et al. teaches the base image is derived from a plurality of base images (an eye image is derived from a plurality of other images on the face such as nose, chin (column 4, lines 15-28)).

As to claim 3, Cote et al. also teaches the at least one secondary image comprises a plurality of secondary images (a hair image is derived from a plurality of image on the head (column 4, lines 15-28)).

As to claim 5, while Miyagaki et al. shows functional elements, Cote et al. teaches modifying of the first and second image (column 6, line 65 through column 7, line 22).

As to claims 10 and 11, while Miyagaki et al. provides control and status stimuli (column 3, lines 35-66), Cote et al. teaches modifying the base image (column 4, lines 35-50).

As to claims 17-18 and 23-24, while Miyagaki shows the control element, the static element and the status element (column 3, lines 45-54, column 4, lines 62-68 and lines 18-25), Cote et al. teaches retrieving the base and secondary image (column 4, lines 15-28).

As to claims 29, 33 and 37, while Miyagaki et al. also provides control or status elements, Cote et al. teaches retrieving a base image and secondary (column 4, lines 15-45); and merging the retrieved base image with the

retrieved secondary image to form a page window (column 4, lines 15-28) and displaying the page window on a computer display screen (column 7, lines 22-40).

As to claim 30, Cote shows modifying the retrieved base image by adding the secondary image elements of the retrieved secondary image to the base image elements of the retrieved base image (column 7, lines 28-40).

As to claims 31, Cote et al. also shows modifying the retrieved base image by blanking out selected base image elements of the retrieved base image according to the secondary image elements of the retrieved secondary image (column 3, lines 3-50).

As to claims 34, Cote shows modifying the retrieved base image by adding the secondary image elements of the retrieved secondary image to the base image elements of the retrieved base image (column 4, lines 15-45).

As to claims 35, Cote et al. also shows modifying the retrieved base image by blanking out selected base image elements of the retrieved base image according to the secondary image elements of the retrieved secondary image (column 3, lines 3-50).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires fax a response, (703) 872-9306, may be used for all fax. NOTE, A Request for Continuation (Rule 60 or 62) cannot be faxed.

Please label "PROPOSED" or "DRAFT" for information facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document. Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran whose telephone number is

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(703) 308-1304. The examiner can normally be reached on Monday-Thursday from 8.00AM to 4.30PM

If attempt to reach the examiner by telephone are unsuccessful, the examiner 's supervisor, Kristine Kincaid, can be reached on (703) 308-0640, should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Mylinh Tran

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